

R430-90-4 and R430-50-4: INDOOR ENVIRONMENT

Purpose

This section provides rules and information about the physical aspects of the facility. Most of the information relates to the interior of the building however, the information also pertains to the exterior when applicable.

Licensed Family 90-4 and Residential Certificate 50-4:

(1) The licensee shall ensure that any building or playground structure on the premises constructed prior to 1978 which has peeling, flaking, chalking, or failing paint is tested for lead based paint. If lead based paint is found, the licensee shall contact the local health department and follow all required procedures for the remediation of the lead based paint hazard.

Rationale / Explanation

Ingestion of lead based paint can lead to high levels of lead in the blood, which affects the central nervous system and can cause mental retardation. Even at low levels of exposure, lead can cause a reduction in a child's IQ and their attention span and result in reading and learning disabilities, hyperactivity, and behavioral difficulties. Other symptoms of low lead levels of lead in a child's body are subtle behavioral changes, irritability, low appetite, weight loss, sleep disturbances, and shortened attention span. *CFOC, 3rd Ed. pg. 235-236 Standard 5.2.9.13*

Some imported vinyl mini-blinds contain lead and can deteriorate from exposure to sunlight and heat, and form lead dust on the surface of the blinds. While there is no child care licensing rule that requires this, the CPSC recommends that consumers with children 6 years of age and younger remove old vinyl mini-blinds and replace them with new mini-blinds made without added lead or with alternative window coverings. *For more information, contact CPSC. CFOC, 3rd Ed. pg. 235-236 Standard 5.2.9.13*

The allowed amount of lead in paint was reduced in 1978. If a building or structure constructed prior to 1978 has peeling, flaking, chalking or failing paint, the Licensee /Certificate Holder must provide documentation of testing for lead based paint. If lead based paint is found, the Licensee /Certificate Holder must follow the procedures required by their local health department for the remediation of lead based paint.

Enforcement

Level 1 Noncompliance: If a building or playground structure constructed prior to 1978 has untested failing paint in an area accessible to children, or tested paint in any area that is shown to contain lead and has not been appropriately remediated.

Level 2 Noncompliance if a building or playground structure constructed prior to 1978 has untested failing paint in an area inaccessible to children.

This rule is applicable to both the indoors and outdoors of the facility.

Paint is considered to be failing if there are pieces of it loose from the surface or if there is loose paint dust from the surface because both of these could be breathed or ingested by children.

Each area with peeling paint must be tested for lead. If the provider uses a test kit from a hardware store there must be test results from each area. If there are four areas with peeling paint then there must be four tests.

If there is flaking or peeling paint and the building was built before 1978, it is the provider's responsibility to provide documentation that there is no lead in the paint.

Licensed Family 90-4 and Residential Certificate 50-4:

(2) There shall be a working toilet and a working handwashing sink accessible to each non-diapered child in care.

Rationale / Explanation

Young children need to use the bathroom frequently, and cannot wait long when they have to use the toilet. *CFOC, 3rd Ed. pg. 246 Standard 5.4.1.6*

Enforcement

Always Level 3 Noncompliance.

An indoor portable toilet, also known as a composting toilet, cannot be used to meet the requirement for a working toilet in a child care program. The local health department will only allow use of composting toilets in extreme situations, such as no available water source, and would not allow them in any child care program.

Licensed Family 90-4 and Residential Certificate 50-4:

(3) Each school age child shall have privacy when using the bathroom.

Rationale / Explanation

Children should be allowed the opportunity to practice modesty when independent toileting behavior is well established in the majority of the group. *CFOC, 3rd Ed. pg. 245 Standard 5.4.1.2*

Enforcement

Always Level 2 Noncompliance.

Privacy means there is a door or curtain that closes and only one child at a time uses the bathroom.

Licensed Family 90-4 and Residential Certificate 50-4:

(4) The home shall be ventilated by mechanical ventilation, or by windows that open and have screens.

Rationale / Explanation

The health and well-being of both staff and children can be affected by the quality of air indoors. The air that people breathe inside a building is contaminated with organisms shared among occupants, and is sometimes more polluted than the outdoor air. Young children may be more affected than adults by air pollution. Children who spend long hours breathing contaminated or polluted indoor air are more likely to develop respiratory problems, allergies, and asthma. Air circulation is essential to clear infectious disease agents, odors, and toxic substances in the air. *CFOC, 3rd Ed. pg. 211 Standard 5.2.1.1*

Screens prevent the entry of insects, which may bite, sting, or carry disease. *CFOC, 3rd Ed. pg. 205 Standard 5.1.3.3*

While not required by rule, the American Academy of Pediatrics and the American Public Health Association recommend that windows in areas used by children under age 5 not open more than 4 inches, or be protected with guards that prevent children from falling out of the window. *CFOC, 3rd Ed. pg. 204-205, Standard 5.1.3.2*
Signs of inadequate ventilation can include mold growing in corners, a damp or musty smell, or a room with a temperature that varies greatly from the temperature of other rooms in the home.

Signs of inadequate ventilation can include mold growing in corners, a damp or musty smell, or a room with a temperature that varies greatly from the temperature of other rooms in the building.

Enforcement

Always Level 3 Noncompliance.

If a room without mechanical ventilation has more than one window, at least one window must be open-able for ventilation, and have a screen.

Mechanical ventilation is a way to move air in and out of a room.

Licensed Family 90-4:

(5) The licensee shall maintain the indoor temperature between 65 and 82 degrees Fahrenheit.

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend that a draft free indoor temperature between 68 degrees and 75 degrees Fahrenheit during the winter month, and between 74 degrees and 82 degrees Fahrenheit during the summer months. These requirements are based on the standards of the American Society of Heating, Refrigeration, and Air Conditioning Engineers, which take into account both comfort and health considerations. *CFOC, 3rd Ed. pg. 212, Standard 5.2.1.2*

There may be some association between sleeping room temperatures and increased risk of SIDS, but this connection is not yet fully established. It is recommended that infants are lightly clothed for sleep and that the sleeping room temperature is kept comfortable for a lightly clothed adult, not to exceed 78 degrees. In addition, infants should not be over-bundled or feel hot to the touch.

Enforcement

Level 2 Noncompliance for rooms or areas used by infants.

Level 3 Noncompliance otherwise.

If a Licensee is unable to meet the temperature requirements due to equipment failure or breakdown, but can show that they have scheduled a repair and are doing their best in the meantime to maintain a comfort level, the Licenser will follow up to see if the repair is completed by the scheduled date before issuing a finding to this rule.

Licensed Family 90-4:

(6) The licensee shall maintain adequate light intensity for the safety of children and the type of activity being conducted and shall keep the lighting equipment in good working condition.

Residential Certificate 50-4:

(5) The certificate holder shall maintain adequate light intensity for the safety of children and the type of activity being conducted and shall keep the lighting equipment in good working condition.

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend that natural lighting be provided in rooms where child work and play for more than two hours at a time and that all areas of the facility have glare-free natural and/or artificial lighting that provides adequate illumination and comfort for the children's safety and the activities being conducted. Inadequate artificial lighting has been linked to eyestrain, headache, and non-specific symptoms of illness. *CFOC, 3rd Ed. pg. 217, Standard 5.2.2.1 pg. 203 Standard 5.042*

Enforcement

Always Level 3 Noncompliance.

If needed, adequate lighting will be determined by using printed materials, and seeing if there is enough light for a caregiver in the area to read it.

Licensed Family 90-4:

- (7) There shall be at least 35 square feet of indoor play space for each child, including providers' related children who are ages four through twelve.
- (8) Indoor space per child may include floor space used for furniture, fixtures, or equipment if the furniture, fixture, or equipment is used:
 - (a) by children;
 - (b) for the care of children; or
 - (c) to store children's materials.
- (9) Bathrooms, closets, hallways, and entryways are not included when calculating indoor space for children's use.

Residential Certificate 50-4:

- (6) For certificate holders who receive an initial certificate after 1 September 2008 there shall be at least 35 square feet of indoor play space for each child, including the providers' related children who are ages four through twelve and not counted in the provider to child ratios.
- (7) Indoor space per child may include floor space used for furniture, fixtures, or equipment if the furniture, fixture, or equipment is used:
 - (a) by children;
 - (b) for the care of children; or
 - (c) to store children's materials.
- (8) Bathrooms, closets, hallways, and entryways are not included when calculating indoor space for children's use.

Rationale / Explanation

The American Academy of Pediatrics and the American Public Health Association recommend 42 square feet of usable floor space per child. A usable floor space of fifty square feet per child is preferred. The rationale for this recommendation is that crowding has been shown to be associated with an increased risk of upper respiratory infections, because children's behavior tends to be more constructive when they have sufficient space, and because having sufficient space reduces the risk of injury from simultaneous activities. *CFOC, 3rd Ed. pg. 203, Standard 5.1.2.1*

An October 2005 legislative audit of the Bureau of Licensing examined this rule specifically, and found that Utah's requirement of 35 square feet per child is reasonable and justifiable, and is in line with 42 of the 50 states.

Enforcement

Always Level 2 Noncompliance.

This measurement is usually taken, and capacity determined, at the time of initial regulation. It is normally not re-measured on subsequent licensing visits unless a particular room or space appears overly crowded during the visit. Examples of items that would detract from the square footage are storage containers not used to store children's materials and piles of laundry, newspapers, or books.